

S.B. CIVIL MISC. APPEAL NO. 284/2006

Date : 02.03.2006

HON'BLE MR. BHAGWATI PRASAD.J.

Mr. Sanjeev Johari for the appellant

Heard.

The question sought to be raised in the appeal is whether the interest could be levied on the Insurance Company. In view of the decision of the Hon'ble Supreme Court in the matter of P.J. Narayan Vs. Union of India reported in 2004 ACJ Page 452, the question sought to be raised does not arise in the present appeal because the claim was immediately filed. Once the claim was filed, the Insurance company could taken action of pay compensation to the workman. Having delayed it liability in discharge and contesting the claim, the interest liability would naturally go to the Insurance company. That being the position, the law point urged is not arising out of the appeal in question.

The question of fact of employment was also sought to be raised but since the employer is dead and employer's son has come in evidence to say that the workman was employed with them, this question cannot be also permitted to be raised. In view thereof, there is no force in the appeal. The appeal is hereby dismissed.

(BHAGWATI PRASAD), J.